

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MICHAEL D. JACKSON,

Plaintiff,

v.

**MGA, Inc. d/b/a
MOVIE GALLERY**

Defendant.

CASE NO.: 1:06 CV 00001-MHT

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on February 22, 2006, with the following parties participating in said planning meeting:

Malcolm R. Newman
MALCOLM R. NEWMAN,
ATTORNEY AT LAW, P.C.
P. O. Box 6137
Dothan, Alabama 36302
Attorney for Plaintiff, Michael D. Jackson

John B. Holmes, III
MAYNARD, COOPER & GALE, P.C.
Attorney for Defendant, Movie Gallery U.S., Inc.

2. **Pre-Discovery Disclosures.** The parties will exchange the information required by Local Rule 26(a)(1) on or before **March 24, 2006.**

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

- a. Discovery will be needed on the following subjects: Allegations contained in plaintiff's complaint, facts surrounding plaintiff's allegations, Plaintiff's damage claims, all facts relevant to the defense of this case, and all facts relevant to the credibility of all witnesses.
- b. All discovery commenced in time to be completed by **October 31, 2006.**
- c. Maximum of thirty-five (35) interrogatories by each party to each party. Responses and objections due thirty (30) days after service.

- d. Maximum of thirty-five (35) requests for admission by each party to each party. Responses and objections due thirty (30) days after service.
- e. Maximum of thirty-five (35) requests for production of documents by each party to each party. Responses and objections due thirty (30) days after service.
- f. Maximum of eight (8) depositions by plaintiff and eight (8) by defendant.¹
- g. Reports from retained experts under Rule 26(a)(2) due:

from Plaintiff by **February 1, 2007.**
from Defendant by **February 22, 2007.**
- h. Supplementation under Rule 26(e) due no later than thirty (30) days before discovery concludes.

4. **Other Items.**

- a. The parties do not request a conference with the Court before the entry of a Scheduling Order.
- b. Plaintiff should be allowed until **March 31, 2006** to join additional parties and to amend the pleadings.
- c. Defendant should be allowed until **April 28, 2006** to join additional parties and to amend the pleadings.
- d. All potentially dispositive motions should be filed by **December 1, 2006.**
- e. Settlement cannot be evaluated prior to close of discovery.
- f. The parties request a pretrial conference in **February of 2007.**
- g. Final lists of trial evidence under Rule 26(a)(3), should be due:

from Plaintiff by thirty (30) days prior to trial.
from Defendant by thirty (30) days prior to trial.

¹ Depositions shall be limited to 7 hours unless good cause is shown why a deposition should continue for a longer period of time. Depositions of the plaintiff and defendant's 30(b)(6) representative shall not be limited as to time except a party may stop such deposition after 7 hours and seek a protective order in the event the deposition is being extended solely for the purpose of annoyance, embarrassment, oppression, undue burden or expense as provided in Rule 26(c).

- h. Parties should have fourteen (14) days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- i. The case should be ready for trial in **Dothan** in **March of 2007**, and at this time is expected to take approximately 2-3 days.

Submitted this 23rd day of February, 2006.

/s/Malcolm R. Newman

Malcolm R. Newman
Attorney for the Plaintiff

OF COUNSEL:

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/s/John B. Holmes III

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